

ENTERED

March 03, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JANICE HUGHES BARNES, *et al*,

Plaintiffs,

VS.

ROBERTO FELIX JR., *et al*,

Defendants.

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CIVIL ACTION NO. 4:18-CV-725

ORDER

During the February 26, 2020 hearing, the Court confirmed that Defendants had failed to produce Harris County Constable Precinct Five's Standard Operating Procedures for a "Fresh Pursuit" (the "Policy") in response to one of Plaintiffs' discovery requests served sometime in 2018 during the normal course of discovery. Instead, Defendants produced the Policy on February 4, 2020. Doc. #31. As stated on the record during the hearing, the Court found that the Policy is responsive to one of Plaintiffs' discovery requests, is relevant to Plaintiffs' claims, and should have been produced months earlier. As a result, the Court ordered that Plaintiffs were permitted to serve up to fifteen (15) additional interrogatories by March 11, 2020, on topics related to the recently produced Policy and that Defendants were to submit sworn responses to those interrogatories within two (2) weeks of their receipt. Depending on the substance of those responses, the Court may permit additional depositions in this action.

Given that the recently produced Policy and potential additional discovery could affect the evidentiary posture of this case and the parties' legal positions, Defendants' Consolidated Motion

for Summary Judgment (Doc. #15) is hereby DENIED without prejudice. Defendants may re-file their motion once the aforementioned discovery has been completed, if they so choose.

It is so ORDERED.

MAR 02 2020

Date

A handwritten signature in black ink, appearing to read 'AMB', written over a horizontal line.

The Honorable Alfred H. Bennett
United States District Judge